



GAIL FARBER, Director

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

March 29, 2016

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

39 March 29, 2016

LORI GLASGOW  
EXECUTIVE OFFICER

**REJECT ALL BIDS AND  
ADOPT, READVERTISE, AND AWARD CONSTRUCTION CONTRACT  
WALNUT CREEK SPREADING BASIN  
PUMP STATION PROJECT  
IN THE CITY OF COVINA  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

**SUBJECT**

This action is to reject all bids received on April 14, 2015; readvertise the Walnut Creek Spreading Basin Pump Station Project in the City of Covina; adopt the revised plans and specifications; authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to award and execute a construction contract with the responsible contractor with the lowest responsive bid; and delegate certain responsibilities to the Chief Engineer or her designee to carry out this project.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Reject all bids received on April 14, 2015, for Project ID No. FCC0001192, Walnut Creek Spreading Basin Pump Station Project, in the City of Covina.
2. Readvertise the project and adopt the revised plans and specifications that are on file in the Construction Division of the Department of Public Works for the Walnut Creek Spreading Basin Pump Station Project, at an estimated construction contract cost between \$900,000 and \$1,300,000.

BIDS: May 3, 2016 at 11:00 a.m.

3. Instruct the Executive Officer of the Board of Supervisors to advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement, and which are to be received before 11 a.m. on May 3, 2016, in accordance with the Notice Inviting Bids.
4. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
5. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to award and execute a construction contract with the responsible contractor with the lowest responsive bid within the estimated cost range and deliver the project.
6. Delegate to the Chief Engineer of the Los Angeles County Flood Control District or her designee the following authority in connection with this contract: (1) approve and execute change orders within the same monetary limits delegated to the Director of Public Works under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code Sections 4100 et seq. and 5100 et seq., respectively; (3) accept the project upon its final completion; (4) release retention money withheld consistent with the requirements of State Public Contract Code Sections 7107 and 9203; and (5) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code Section 4104.5.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is for the Board, acting as the governing body of the Los Angeles County Flood Control District, to reject all bids received on April 14, 2015; readvertise the project; adopt the revised plans and specifications; authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to award and execute a construction contract with the responsible contractor with the lowest responsive bid; and delegate certain responsibilities to the Chief Engineer or her designee to carry out this project.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3). The recommended actions will help achieve these goals by improving the maintenance and operation of this water conservation facility to reduce dependence on imported water thereby providing residents of the County of Los Angeles with a more economical and dependable source of water.

#### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$900,000 to \$1,300,000. The total project cost is estimated to be \$1,571,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, construction engineering, inspection, contract administration, change order contingency, and other County services.

The project was awarded Proposition 84 grant funds. The Flood Fund will provide the required \$870,985 minimum funding match for construction. Additional construction costs above that amount will be reimbursed with Proposition 84 grant funds.

Funding for this project is included in the Flood Control District Fund Fiscal Year 2015-16 Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Instruction to Bidders included in the bid documents provides for the rejection of all bids by the Board if such action is in the best interest of the County. On March 17, 2015, the Board approved the project. On April 14, 2015, nineteen bids were opened. The three lowest bids all had some level of discrepancy, clerical error, or mistake. The lowest responsive bid was in the amount of \$1,210,658 and was greater than the estimated cost range. We believe rejecting all bids and re-advertising the project will allow for lower and more competitive bids by all potential bidders and is in the best interest of the County.

This project is part of the Department of Public Works' ongoing program for the restoration and alteration of groundwater recharge facilities. It will be re-advertised in accordance with Section 20991 of the State Public Contract Code.

This project is to be completed in 80 working days. Because this project requires a lead time for equipment, it is anticipated the work will start in September 2016 and be completed in January 2017.

Delegating to the Chief Engineer or her designee the authority to award and execute this construction contract allows an expedited contracting process, in order to construct the project during the 2016 dry season.

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of the contract will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the Los Angeles County's Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity,

experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making an award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

On March 17, 2015, Agenda Item 24, the Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

### **CONTRACTING PROCESS**

This project will be contracted on an open-competitive bid basis. An award by the Chief Engineer or her designee will be made upon review of the bids meeting the criteria established by the Board and the State Public Contract Code.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with Us" and Public Works' "Contract Opportunities" websites for upcoming bids.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business to maximize outreach.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

When the project is completed, it will have a positive impact by increasing water recharge capacity and improving the maintenance and operation of this water conservation facility.

**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:JTS:vr

c: Chief Executive Office (Rochelle Goff)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)